



**NCCADV**

North Carolina Coalition  
Against Domestic Violence

**SL 2018-168/SB 493**

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# S.L. 2019-168

- Did three things within 50B
  - BIP compliance hearings
  - Clarified Expiration of DVPOs
  - Subsequent Orders Supersede DVPO

## Previously: 50B-3(a1)(4)

- 50B-3(a1)(4) stated that any subsequent Chapter 50 custody order supersedes a temporary 50B custody order
- Left open the question of other family court actions subsequent to the DVPO



# NCBA and NCCADV proposal

- Subsequent orders related to child custody, child and spousal support, and possession of property issued under Chapter 50 or 110 supersede similar provisions in a DVPO

# New Superseding Orders Provision

- Struck 50B-3(a1)(4)
- Added 50B-7(b): “Any subsequent court order entered supersedes similar provisions in protective orders issued pursuant to this Chapter.”

# Unintended Consequences

- Judges may not have notice of DVPO
- No requirement that the parties be the same or that notice is given
- Language is broad and sweeping

# Unintended Consequences

- Emergency *ex parte* custody orders
  - Previously LE sent back to judges for a ruling
  - Now the subsequent order automatically supersedes
  - Judge may not know about DV and/or Chapter 50B custody

# Unintended Consequences

- Child Custody Mediation
  - Parties changing substantive provisions of DVPO
  - Mediators previously trained that only place and times could be changed



# Unintended Consequences

- DVPOs get entered into NCIC
- Subsequent non-DVPO orders do not
- Law Enforcement uses NCIC to making charging and arrest decisions in assessing violations
- Confusion may lead to difficulty prosecuting violations

# Suggested Correction

- Revert back to language suggested by NCBA and NCCADV
- Technical Correction in Short Session?



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## Questions?

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